

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

April 12, 2021

1:36 p.m.

MEMBERS PRESENT

Senator Lora Reinbold, Chair
Senator Mike Shower, Vice Chair
Senator Shelley Hughes
Senator Robert Myers
Senator Jesse Kiehl

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 82

"An Act relating to elections and election investigations."

- HEARD & HELD

SENATE BILL NO. 9

"An Act relating to alcoholic beverages; relating to the regulation of manufacturers, wholesalers, and retailers of alcoholic beverages; relating to licenses, endorsements, and permits involving alcoholic beverages; relating to common carrier approval to transport or deliver alcoholic beverages; relating to the Alcoholic Beverage Control Board; relating to offenses involving alcoholic beverages; amending Rule 17(h), Alaska Rules of Minor Offense Procedure; and providing for an effective date."

- MOVED CSSB 9(JUD) OUT OF COMMITTEE

SENATE BILL NO. 15

"An Act relating to the Open Meetings Act; and establishing a civil penalty for violations of the open meeting requirements by members of governmental bodies."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 82

SHORT TITLE: ELECTIONS; ELECTION INVESTIGATIONS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/12/21	(S)	READ THE FIRST TIME - REFERRALS
02/12/21	(S)	JUD, STA, FIN
03/01/21	(S)	JUD AT 1:30 PM BUTROVICH 205
03/01/21	(S)	Heard & Held
03/01/21	(S)	MINUTE(JUD)
04/12/21	(S)	JUD AT 1:30 PM BUTROVICH 205

BILL: SB 9

SHORT TITLE: ALCOHOLIC BEVERAGE CONTROL; ALCOHOL REG

SPONSOR(s): MICCICHE

01/22/21	(S)	PREFILE RELEASED 1/8/21
01/22/21	(S)	READ THE FIRST TIME - REFERRALS
01/22/21	(S)	L&C, JUD, FIN
02/12/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/12/21	(S)	Heard & Held
02/12/21	(S)	MINUTE(L&C)
03/03/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/03/21	(S)	Scheduled but Not Heard
03/10/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/10/21	(S)	-- MEETING CANCELED --
03/12/21	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/12/21	(S)	Moved SB 9 Out of Committee
03/12/21	(S)	MINUTE(L&C)
03/15/21	(S)	L&C RPT 3DP 1NR
03/15/21	(S)	DP: COSTELLO, GRAY-JACKSON, REVAK
03/15/21	(S)	NR: STEVENS
03/24/21	(S)	JUD AT 1:30 PM BUTROVICH 205
03/24/21	(S)	Scheduled but Not Heard
03/29/21	(S)	JUD AT 1:00 PM BUTROVICH 205
03/29/21	(S)	Heard & Held
03/29/21	(S)	MINUTE(JUD)
04/07/21	(S)	JUD AT 1:30 PM BUTROVICH 205
04/07/21	(S)	Heard & Held
04/07/21	(S)	MINUTE(JUD)
04/12/21	(S)	JUD AT 1:30 PM BUTROVICH 205

BILL: SB 15

SHORT TITLE: OPEN MEETINGS ACT; PENALTY

SPONSOR(s): COSTELLO

01/22/21	(S)	PREFILE RELEASED 1/8/21
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01/22/21	(S)	READ THE FIRST TIME - REFERRALS
01/22/21	(S)	CRA, JUD
02/25/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
02/25/21	(S)	Heard & Held
02/25/21	(S)	MINUTE(CRA)
03/04/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
03/04/21	(S)	Heard & Held
03/04/21	(S)	MINUTE(CRA)
03/09/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
03/09/21	(S)	Moved CSSB 15(CRA) Out of Committee
03/09/21	(S)	MINUTE(CRA)
03/10/21	(S)	CRA RPT CS 1DP 1DNP 2NR NEW TITLE
03/10/21	(S)	DP: HUGHES
03/10/21	(S)	DNP: GRAY-JACKSON
03/10/21	(S)	NR: MYERS, WILSON
03/17/21	(S)	JUD AT 1:30 PM BUTROVICH 205
03/17/21	(S)	Heard & Held
03/17/21	(S)	MINUTE(JUD)
03/22/21	(S)	JUD AT 1:30 PM BUTROVICH 205
03/22/21	(S)	Heard & Held
03/22/21	(S)	MINUTE(JUD)
03/31/21	(S)	JUD AT 1:30 PM BUTROVICH 205
03/31/21	(S)	Heard & Held
03/31/21	(S)	MINUTE(JUD)
04/12/21	(S)	JUD AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

CORI MILLS, Senior Assistant Attorney General
 Labor & State Affairs Section
 Civil Division
 Department of Law
 Juneau, Alaska

POSITION STATEMENT: Presented SB 82 and provided the sectional analysis of SB 82 on behalf of the administration.

THOMAS FLYNN, Assistant Attorney General
 Information and Project Section
 Civil Division
 Department of Law
 Anchorage, Alaska

POSITION STATEMENT: Answered questions during the discussion of SB 82.

GAIL FENUMIAI, Director
 Division of Elections
 Office of the Lieutenant Governor

Juneau, Alaska

POSITION STATEMENT: Answered questions during the discussion of SB 82.

KONRAD JACKSON, Staff
Senator Peter Micciche
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a brief overview of SB 9 on behalf of the sponsor.

NICK SPIROPOULOS, Borough Attorney
Mat-Su Borough
Wasilla, Alaska

POSITION STATEMENT: Testified in support of local control for alcohol licenses during the hearing on SB 9.

JESSICA VIERA, Executive Director
Greater Wasilla Chamber of Commerce
Wasilla, Alaska

POSITION STATEMENT: Testified with concerns about liquor license population limits in SB 9.

SARAH OATES, President;
Chief Executive Officer
Alaska Cabaret, Hotel, Restaurant, and Retailers Association
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 9 because it represents a consensus by stakeholders.

JEROME HERTEL, Chief Executive Officer
Alaska State Fair
Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 9, as amended, to address the recreational site license for the Alaska State Fair.

CRYSTAL NYGARD, Deputy Administrator
City of Wasilla
Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 9 and for local control.

TIFFANY HALL, Executive Director
Recover Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 9, with concerns about Amendments 1 and 3 because they lack population limits for licenses.

ROBIN MINARD, Chief Communications Officer
Mat-Su Health Foundation
Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 9 in its original form.

LEE ELLIS, President
Brewers Guild of Alaska
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 9 since it reduces burdens for distilleries and breweries and addresses public health concerns.

GLENDAL LEDFORD, Mayor
City of Wasilla
Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to SB 9.

SENATOR PETER MICCICHE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Spoke as sponsor of SB 9.

MELODIE WILTERDINK, Staff
Senator Mia Costello
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Answered questions on behalf of the sponsor of SB 15.

ACTION NARRATIVE

[1:36:04 PM](#)

CHAIR LORA REINBOLD called the Senate Judiciary Standing Committee meeting to order at 1:36 p.m. Present at the call to order were Senators Myers, Hughes, Shower, Kiehl, and Chair Reinbold.

SB 82-ELECTIONS; ELECTION INVESTIGATIONS

[1:37:43 PM](#)

CHAIR REINBOLD announced the consideration of SB 82, SENATE BILL NO. 82, "An Act relating to elections and election investigations."

1:38:23 PM

CORI MILLS, Senior Assistant Attorney General, Labor & State Affairs Section, Civil Division, Department of Law, Juneau, Alaska, began a PowerPoint on SB 82. She said the purpose of SB 82 is to authorize the attorney general to conduct civil investigations into election law violations and to bring civil enforcement actions if a violation is found.

1:39:28 PM

MS. MILLS turned to slide 3. She highlighted that under the current Title 15, Chapter 13, the Alaska Public Offices Commission (APOC) handles campaign finance violations. This bill relates to initiatives, petitions to gather signatures, voter residency and candidate filings. Currently, if the Division of Elections identifies suspicious behaviors related to an absentee ballot application or someone files a complaint, its only option is to refer it for criminal investigation and prosecution. However, the division does not have any investigative authority. This bill gives the division another tool it can use when it identifies any suspicious behavior. This bill would provide the Department of Law with civil investigative powers similar to consumer protection investigations.

1:40:49 PM

MS. MILLS explained that civil investigations differ from criminal investigations in many ways. First, the process for civil cases is not as lengthy as for criminal cases. Next, the evidentiary standard of proof differs. The state must adhere to constitutional standards in criminal cases since the state could potentially take away someone's freedom. The evidentiary standard of proof in criminal cases is beyond a reasonable doubt, whereas civil cases use a preponderance of evidence standard. This means the state must prove it is more likely than not the conduct happened or that the action was unlawful. Finally, the flow of information is different. In civil cases, it is possible to acquire information to assist the division in making determinations that the director must make by statute. However, law enforcement holds this information confidential in criminal cases, so the division may not hear about it until after charges are filed. She characterized this as providing another layer of tools for civil cases.

1:42:29 PM

SENATOR MYERS wondered if this structure allows the department to move a case from civil to criminal.

MS. MILLS answered yes. SB 82 will not limit criminal investigations or prosecutions because the department could conduct concurrent investigations. She stated that the department needs to be mindful of when evidence can be gathered for both investigations and when it must be gathered independently. DOL can determine which avenue is appropriate or if both are warranted.

[1:43:43 PM](#)

SENATOR SHOWER asked whether law enforcement will get additional training on election laws and procedures and conversely if the Division of Elections will get additional training on law enforcement procedures.

MS. MILLS explained that these cases will be investigated by an investigative unit within the Department of Law. These cases will be handled similarly to how the department conducts consumer protection cases unless the Alaska State Troopers refer the cases for criminal prosecution. DOL's consumer protection investigators are trained on civil investigative techniques. She did not recall if it was by regulation or policies and procedures. It makes sense to create this civil layer for election violations since AST may not prioritize election violations as high as some criminal cases.

[1:46:17 PM](#)

SENATOR SHOWER asked if she could report back on whether this will be codified or set by policy. He highlighted his concern that policies often change with each administration.

MS. MILLS agreed to do so.

[1:47:01 PM](#)

SENATOR KIEHL asked what efforts the Division of Election would make to train the Division of Election staff on pre-investigative techniques.

MS. MILLS answered that determinations on complaints or allegations would be made by the division, in consultation with DOL, as to whether the allegation is true, whether the complaint is considered a legal violation, a frivolous complaint, or in compliance with the law. The Division of Elections would not conduct a pre-investigation since the bill does not give the

division any investigative authority. She commented that this was intentional and she would be happy to elaborate.

1:48:15 PM

SENATOR KIEHL said it would be helpful to know why the complaints must be filed with the Division of Elections if that agency will not decide if the complaints are valid.

1:48:29 PM

SENATOR SHOWER expressed concern about whether the Division of Election staff will have adequate training so staff will know what to look for and how to respond to the allegations.

MS. MILLS offered to try to address some of the points.

1:49:20 PM

MS. MILLS said many models exist for housing election investigations. Election investigations could be housed in the Secretary of State's office, which is the lieutenant governor's office; the Board of Elections for states without a division; or in the attorney general's office. The administration decided to house the election investigations in the attorney general's office because DOL uses a similar process for consumer protection complaints. Since DOL has a criminal division, it can collaborate with the civil division due to confidentiality in the department. It is more cost-effective to use the existing structure rather than creating an entirely new infrastructure within the Division of Elections.

1:51:08 PM

MS. MILLS reviewed slide 6, which listed two examples where civil investigations and enforcement actions could have been beneficial. The first example related to suspicious absentee ballot applications in the 2018 House District 15 case led to filed criminal charges. Initially, the Division of Elections received suspicious absentee ballots with anomalies, including signatures that looked the same, or a substantial number of people appeared to live in one motor home. The Division of Elections began working with the criminal division and law enforcement, which was appropriate. However, the Division of Elections lacked the authority to determine whether these voters were valid voters and who signed the applications. Suppose DOL's civil division had an investigator with authority to conduct election investigations. In that case, the Division of Elections could have referred the names on the suspicious ballots to the civil division's investigator. If so, the division may have

resolved the case much more quickly. It may have been possible to go to court to force compliance for any violations.

1:52:34 PM

SENATOR HUGHES asked for clarification on when cases are considered civil or criminal because she tends to think of civil cases as between two parties. If SB 82 were law, she asked whether it would be necessary for a party to file a complaint to initiate action or if the case could be triggered by election staff observing suspicious behavior and reporting it.

MS. MILLS answered the latter. If the Division of Election's staff identified suspicious activity, the division could refer the issue to the DOL's civil division. The investigation would be held confidential until the civil division acquired enough evidence to go to court and file an action.

SENATOR HUGHES asked if the Division of Elections would file the civil complaint.

MS. MILLS acknowledged that was correct. Just as in consumer protection cases, DOL would investigate the case. Sometimes DOL will alert parties about a violation and achieve voluntary compliance. Otherwise, the attorney general would file a case on behalf of the Division of Elections but the division of elections would be involved.

SENATOR HUGHES asked for a list of activities covered under APOC's jurisdiction and to identify any gaps that would fall under DOL's civil division.

1:55:55 PM

SENATOR SHOWER referred to the scenario on slide 6. He expressed concern that in seeking voluntary compliance, the civil division would need to alert the violator. He expressed concern that the violator will not be prosecuted for the crime once the violator is alerted that the case will be pursued as a civil case. He asked how confidentiality is maintained.

MS. MILLS responded that this illustrates another reason to house election investigations in the attorney general's office. She said DOL handles civil and criminal Medicaid fraud. She acknowledged that it is important to be careful when proceeding with the investigations to avoid alerting the bad actor in cases that should be criminally enforced. There may be some aspects that need to be referred as criminal cases.

SENATOR SHOWER asked who would make the referrals.

MS. MILLS answered that the attorney general would make the referrals.

1:57:58 PM

CHAIR REINBOLD asked if there are penalties if someone informs the violator.

MS. MILLS answered that the state has laws it can enforce if someone tips off a violator, such as obstructing an investigation, which would apply to civil and criminal cases. She offered to research the specific statutes that would apply and report back to the committee.

1:58:56 PM

MS. MILLS referred to the second example on slide 6, the signature gathering for the oil and gas initiative 190GTX. A lawsuit was filed after the lieutenant governor certified the oil and gas signatures. The lawsuit alleged that petition gatherers were receiving more than one dollar per signature, which is prohibited by statute. She said she would set aside the interpretation question on whether signature gatherers were being paid too much. The complainant came forth just prior to the lieutenant governor's decision to certify the petition. At the time, if DOL had had the civil investigative tools in place, the department could have referred the complaint to the civil division. The department could have resolved the case more quickly, she said. The department could have reviewed the contracts to determine if they violated the law. The lawsuit process required filing discovery to acquire that information.

2:00:36 PM

MS. MILLS discussed the complaint referral process on slide 7. The attorney general would also have independent authority to conduct investigations. Under SB 82, the division will review the complaint and determine whether it warrants investigation once a complaint is received. If not, the department would dismiss the complaint. If the complaint merits further review, it would be forwarded to the attorney general's office. The attorney general has the discretion to conduct an investigation, which is similar to law enforcement or prosecutorial discretion. The cases will be prioritized if the attorney general is inundated with complaints.

2:02:49 PM

SENATOR HUGHES asked for assurance that the determination would be objective rather than subjective. She asked if the Division of Elections would have access to legal advice for its assessment process. She said she would prefer strict criteria be developed that the division must follow.

MS. MILLS answered that the bill provides a standard to determine if the complaint is frivolous or alleges some type of violation. Someone might think an action or behavior constitutes a violation or is illegal, but it is not. The division will consult with the Department of Law (DOL) on these matters.

2:04:20 PM

THOMAS FLYNN, Assistant Attorney General, Information and Project Section, Department of Law, Anchorage, Alaska, stated that [AS 15.56.140] (1) in SB 82 defines frivolous. He characterized the definition as a standard one in law, including in Civil Rule 11. It read:

- (1) "frivolous" means
 - (A) not reasonably based on evidence or on existing law or a reasonable extension, modification, or reversal of existing law; or
 - (B) brought to harass the subject of the complaint or to cause unnecessary delay or needless expense;

2:04:49 PM

SENATOR HUGHES stated that the Division of Election's staff are not attorneys. She asked what assurances could be made that the division staff will be trained or if they will seek legal advice from DOL.

MS. MILLS answered that currently, DOL's attorney assigned to the Division of Elections works very closely with the division. She assured members that the division does not take action without consulting the DOL. Further, DOL works with the division on pamphlets and procedures used when determining which votes to count or not count. She said she anticipates DOL will provide the division with examples of how the statute works to allow the division to implement the statute consistently. She clarified that the division director would be making these decisions.

2:06:26 PM

SENATOR SHOWER expressed concern about the number of complaints that the division and the attorney general could handle. He asked whether the penalty provisions would be codified.

MS. MILLS responded that two types of penalties apply. One addresses compliance; the second would require paying attorney fees and costs if DOL prevails in the lawsuit. In addition, DOL could enforce civil penalties against the complainant as ordered by a court. Civil penalties can range from zero to \$25,000, depending on the severity of the violation.

2:07:27 PM

SENATOR SHOWER asked again how DOL would handle large numbers of complaints in terms of training or prosecution.

MS. MILLS answered that the Division of Elections already has a high volume of complaints. The division anticipates it can continue to handle the complaints. She pointed out that DOL prepared a fiscal note for the referrals to the department. She explained it already takes more than one attorney to assist the division in peak times. DOL currently has an election team. She said DOL would need additional resources including an investigator and an attorney. The department would use its consumer protection investigator as part of the team. She anticipated that complaints would be made post-election and during the initiative process. She explained that DOL envisions both investigators being cross-trained to handle election or consumer protection complaints.

2:09:45 PM

SENATOR KIEHL asked for the volume of complaints the Division of Elections anticipates. He expressed concern that the provisions in SB 82 will provide an avenue for campaigns to attack their opponents.

MS. MILLS deferred to Ms. Fenumiai to respond.

2:10:49 PM

GAIL FENUMIAI, Director, Division of Elections, Office of the Lieutenant Governor, Juneau, Alaska, responded that she does not have the means to predict the number of complaints. Still, in consultation with DOL, she believes that the division could handle them.

2:11:31 PM

SENATOR KIEHL referred to the complaint process shown on slide 7. When the division receives a complaint, the division will make a determination whether the complaint is frivolous. He asked whether an aggrieved complainant is entitled to an appeal.

MS. MILLS responded that currently, the bill does not provide for an appeal process, but the attorney general has independent authority, so a complainant could informally appeal to the attorney general.

2:13:06 PM

MR. FLYNN provided a sectional analysis of the bill. He summarized the bill as follows [original punctuation provided]:

This bill would add a section to the Elections Title 15 chapter 56.

Subsection (a) would allow anyone can file a written complaint alleging a violation of state election laws or regulations to the Division of Elections. The complaint must be filed within 30 days after an election or 30 days after the alleged violation occurred, whichever is later.

Subsection (b) directs the Division of Elections to refer alleged violations of campaign finance laws under AS 15.13 to the Alaska Public Offices Commission (APOC). The division has the discretion to refer all other complaints to the attorney general. If the complaint is incomplete, frivolous, or does not allege a violation, the division can request additional information or it could dismiss the complaint.

2:13:59 PM

Subsection (c) allows the attorney general to investigate an alleged violation identified by a complainant, the division, or the attorney general.

Subsection (d) authorizes the attorney general to conduct an investigation by subpoenaing witnesses for documents, holding hearings under oath, sending interrogatories and examining records.

Subsection (e) provides that the records or intelligence resulting from the investigations are not public records, except that the attorney general may issue statements describing the activities that violate election law.

Subsection (f) directs the attorney general to inform the Division of Elections of the results of an investigation with the option to submit a report. If

the complaint against a state agency or employee has merit, the division will make efforts to take corrective action. The records and intelligence information resulting from the investigation remain confidential unless they are submitted to a court or used by the division as the basis for a course of action.

2:14:56 PM

Subsection (g) allows the attorney general to sue for injunctive relief after the investigation provided the alleged violation is not a violation of campaign finance laws.

Subsection (h) allows the attorney general to seek a civil penalty of not more than \$50,000 per violation along with reasonable fees and costs, including the cost of the investigation.

Subsections (i) and (j) allow the division and the attorney general to adopt regulations to implement this section.

Subsection (k) clarifies that the person filing the complaint may also file an independent civil action in superior court.

Subsection (l) defines frivolous, state agency and state employee.

2:16:01 PM

SENATOR HUGHES asked whether the requirement that complaints must be filed within 30 days of an election was adequate. She stated that tight races are often not decided quickly. She suggested that DOL could respond at the next hearing.

[SB 82 was held in committee.]

SB 9-ALCOHOLIC BEVERAGE CONTROL; ALCOHOL REG

2:16:59 PM

CHAIR REINBOLD reconvened the meeting and announced the consideration of SENATE BILL NO. 9, "An Act relating to alcoholic beverages; relating to the regulation of manufacturers, wholesalers, and retailers of alcoholic beverages; relating to licenses, endorsements, and permits involving alcoholic beverages; relating to common carrier

approval to transport or deliver alcoholic beverages; relating to the Alcoholic Beverage Control Board; relating to offenses involving alcoholic beverages; amending Rule 17(h), Alaska Rules of Minor Offense Procedure; and providing for an effective date."

[SB 9 was heard on 3/29/21 and 4/7/21. This is the third hearing.]

2:17:15 PM

CHAIR REINBOLD opened public testimony on SB 9.

She asked the sponsor's staff to give a brief summary of SB 9 for the public's benefit.

2:17:51 PM

KONRAD JACKSON, Staff, Senator Peter Micciche, Alaska State Legislature, Juneau, Alaska, on behalf of the sponsor, stated that SB 9 is a comprehensive rewrite and reorganization of Title 4. It would streamline the process and make it easier for licensees, the Alcoholic Beverage and Control Board (ABC Board) staff and the general public to understand.

2:18:52 PM

NICK SPIROPOULOS, Borough Attorney, Mat-Su Borough, Wasilla, Alaska, spoke in support of local control for alcoholic beverage licenses. He said he previously sent a letter and resolution on behalf of the Mat-Su Borough supporting SB 9. He stated that municipalities hold a wide diversity of views with differing local concerns, growth patterns, and attitudes on the development of retailers, lodging and restaurants serving alcohol. He emphasized that there is no mechanism under current state law or in the proposed changes in SB 9 to allow municipalities to determine whether additional alcohol licenses would be appropriate. Only 20 percent of the Mat-Su Borough's 110,000 residents live within the cities. More local control would allow for the increased economic development of businesses where alcohol is part of the business model. The larger populations in the Mat-Su Borough reside along the Knik Goose Bay Road and at Meadow Lakes and Big Lake. In addition, people live in the core area between Wasilla and Palmer.

2:20:05 PM

MR. SPIROPOULOS said the Mat-Su Borough also has smaller population centers clustered in Butte, Sutton, Willow and Talkeetna. The Mat-Su Borough believes it should decide whether additional alcohol licensing might be appropriate in these

areas. He suggested that with planning and land use regulations, local governments such as the Mat-Su Borough could coregulate these activities with the state in a manner similar to how the coregulation of marijuana activities currently happens. The Alcohol & Marijuana Control Office has its rules, but local government also establishes rules and regulations on the number of allowable businesses.

MR. SPIROPOULOS offered his view that the state already has mechanisms in state law to restrict licenses and address specific bad actors. He said that the local government could effectively regulate businesses serving alcohol even if the number of licenses were to increase. He offered the Mat-Su Borough's support for increased local control and for Senator Hughes's Amendment 3 to SB 9 [labeled B.15, adopted on 4/7/21].

2:21:32 PM

JESSICA VIERA, Executive Director, Greater Wasilla Chamber of Commerce, Wasilla, Alaska, expressed concerns about liquor license population limits in SB 9. The Greater Wasilla Chamber of Commerce has long listed local control on its legislative priority list. She emphasized that these decisions should rest with the home rule or first class municipalities. The state's population limits on alcohol licenses act as a barrier to business in the Mat-Su Borough. The Mat-Su Borough's population sprawls over 25,000 square miles, but people gather in city centers. Establishing license limits based on population within the City of Wasilla when the area's population is five times that doesn't make sense and restricts the free market.

MS. VIERA highlighted that some licensees purchase a liquor license and sell it on the secondary market for hundreds of thousands of dollars. Limiting the number of liquor licenses increases the value of liquor licenses in the secondary market. The Mat-Su Borough needs to continue to expand the amenities it offers in breweries, pubs, restaurants, and Costco, or the region will lose its appeal. The Chamber of Commerce wants the area to thrive and not struggle under arbitrary restrictions designed to manage the worst bad actors without considering other license holders. She suggested members consider an amendment to allow first-class and home rule municipalities to control the number of licenses issued within their jurisdictions.

2:25:16 PM

SARAH OATES, President; Chief Executive Officer, Alaska Cabaret, Hotel, Restaurant, and Retailers Association (CHARR), Anchorage,

Alaska, spoke in support of SB 9, which represents a consensus of the stakeholders. CHARR is the state's nonprofit association for the hospitality industry, representing many of the nearly 2,000 statewide liquor license holders.

MS. OATES stated that the rewrite of Title 4 is in its 10th year. She stated that in 2019, the public health and public safety state and municipal regulatory bodies and all three industry tiers reached consensus. She urged members to pass SB 9 to provide long-term regulatory certainty and desperately needed financial stability for the industry. During COVID-19, liquor license holders suffered devastating blows. The liquor license industry represents \$2 billion in annual revenue in Alaska and over 32,000 employees. SB 9 will provide a better regulatory system containing many changes that will benefit all sectors and stakeholders. She urged members to pass the bill as soon as possible.

[2:26:54 PM](#)

JEROME HERTEL, Chief Executive Officer, Alaska State Fair, Palmer, Alaska, spoke in support of SB 9, as amended by Amendment 3, labeled B.13 adopted by the committee on April 7, 2021. As many members know, in 2016, the Alaska State Fair's recreational site license was in jeopardy because the fair did not meet the established criteria. Senate Bill 16 grandfathered the fair until new licenses were developed in the Title 4 rewrite. However, the Title 4 rewrite did not create a license category that would allow the fair to operate as it has in the past but would limit its operations to the annual state fair. Currently, the fair hosts over 70 interim events each year. Using other license categories for interim events, as was suggested, would drastically limit the number of special events and adversely affect the fair's revenue.

He spoke in support of Amendment 3 to SB 9 [labeled B.15, adopted on 4/7/21]. Amendment 3 will allow the fair to operate as it has for the past 39 years by serving beer and wine at non-fair events. This will allow the fair to be self-sustaining, without government subsidies, and give back to the community and state. He highlighted that the Alaska State Fair's economic impact is over \$26 million in the state.

[2:30:45 PM](#)

CRYSTAL NYGARD, Deputy Administrator, City of Wasilla, Wasilla, Alaska, spoke in support of SB 9. She stated that she has been a strong supporter of Mat-Su's private sector for over 17 years. The private sector seeks consistency and predictability. She has

talked to local businesses that want to serve wine or beer at their establishments. She urged members to pass SB 9. She asked members to support local control.

2:32:52 PM

TIFFANY HALL, Executive Director, Recover Alaska, Anchorage, Alaska, spoke in support of SB 9 because of the health and safety provisions included in the bill, which are largely evidence-based practices to reduce underage drinking, increase public safety by reducing alcohol-related violence and crime and alcohol-related deaths. She stated that Recover Alaska works to reduce excessive alcohol use and harm across the state. The organization has worked with over 120 stakeholders on the Title 4 rewrite for over nine years. She said that alcohol-related problems in Alaska cost the state \$2.4 billion every year, including costs for criminal justice, health care, lost productivity, traffic collisions, and social services.

MS. HALL said SB 9 will make the statutes easier to understand and easier for the Alcohol & Marijuana Control Office to enforce. She characterized SB 9 as a huge win for Alaskans. She expressed concern about Amendment [1] labeled B.13 and Amendment [3], labeled B.15 because these amendments do not enforce population limits, which are proven to reduce alcohol-related crime, violence, deaths, and underage alcohol use. She stated that overall, Recover Alaska is very supportive of SB 9.

2:35:08 PM

ROBIN MINARD, Chief Communications Officer, Mat-Su Health Foundation, Wasilla, Alaska, spoke in support of SB 9 in its original form. The foundation does not support Amendment 1 or Amendment 3, previously adopted. She said the foundation shares ownership with Mat-Su Regional Medical Center. It invests its share of the profits into the community to achieve its mission of improving Mat-Su residents' health and wellness. The foundation has participated in the Title 4 rewrite.

MS. MINARD stated that Alaska's alcohol laws need to be updated. The community ranks alcohol and substance abuse as the number one health issue in the region. The police chief and medical personnel identify alcohol issues as creating prevalent problems in the community, including domestic violence and child maltreatment. The foundation engages in many strategies to reduce the harm of alcohol misuse, including preventing underage drinking and promoting resilient youth in families and communities. SB 9 results from a partnership with the industry and stakeholders who have worked together to design a bill that

promotes responsible alcohol use by adults, reduces underage consumption and supports better enforcement of Alaska's alcohol laws. While the foundation's interest is primarily health, it recognizes that SB 9 benefits local businesses and that a sound economy is an important aspect of a healthy economy.

[2:37:07 PM](#)

LEE ELLIS, President, Brewers Guild of Alaska, Anchorage, Alaska, spoke in support of SB 9 as introduced since it is a critical step for the hospitality industry and the alcohol-manufacturing industry. He said it will clean up regulatory and statutory language, reduce burdens for distilleries and breweries, and address public health concerns. He stated that the Brewers Guild represents 39 breweries, two distilleries and three wineries in Alaska. The guild has participated in the Title 4 rewrite process since the beginning. Everyone has worked very hard to achieve a bill that makes sense for everyone. He urged members to move it forward.

[2:38:44 PM](#)

CHAIR REINBOLD closed public testimony on SB 9. She stated that the committee will accept emails until 5 p.m. today.

[The committee treated it as though public testimony was reopened.]

[2:39:43 PM](#)

GLENDA LEDFORD, Mayor, City of Wasilla, Wasilla, Alaska, spoke in opposition to SB 9 as currently written because it does not promote a fair business climate. At the same time, it attempts to safeguard public health and safety in an already overburdened system. In 2014, after the legalization of marijuana, the state enacted a strong regulatory framework that tasked local governments with implementing regulations. SB 9 could mirror the marijuana model by creating the same regulatory framework in home rule cities with police powers and zoning invoking local control. However, the current version of SB 9 does not provide for maximum local control. Statewide population restrictions contained in AS 04.11.400 (a) ignore local conditions or preferences, which translates into significantly limited flexibility for innovative new business models and tangible benefits for local governments.

MAYOR LEDFORD said the proposed AS 04.11.405 permits a few limited first class and home rule cities and municipalities to petition the board for additional licenses for restaurant

licenses only. Further, it contains other requirements a municipality must meet to be granted a license.

[2:41:52 PM](#)

MAYOR LEDFORD said the City of Wasilla is the sixth largest city in Alaska, representing the economic epicenter of the Mat-Su Borough. Combined statistics from the Department of Transportation & Public Facilities, Mat-Su Convention & Visitors Bureau and the Alaska Visitor Statistics Program identified that over 110,000 individuals and consumers frequent the city. Under SB 9, the city would never offer the community additional fine dining or shopping choices because the numerous companies and restaurants seeking to do business in the Mat-Su Valley cannot acquire the licensing. These businesses include Costco, which could critically enhance food security in an emergency and disaster situation. SB 9, as currently proposed, will adversely affect all first-class and home rule cities in a much greater economic capacity.

[2:43:18 PM](#)

MAYOR LEDFORD reported that Wasilla currently does not have any bar, package, restaurant, and club licenses available. The city currently licenses one brewery, three wineries, with one pending winery license, three distilleries, and one recreational site license. The City of Wasilla opposes SB 9, she said.

[2:43:51 PM](#)

CHAIR REINBOLD closed public testimony on SB 9.

[2:44:30 PM](#)

SENATOR MICCICHE, Alaska State Legislature, Juneau, Alaska, sponsor of SB 9, said he appreciated all the work on the bill.

[2:44:58 PM](#)

SENATOR KIEHL said he hopes the bill will pass out of committee. However, he questioned the validity of population limits. He stated that he received a number of research studies from a previous testifier, which he read. However, he did not find the studies provided proof that per capita quotas limiting the number of alcohol establishments protects public health and safety. These studies make a compelling case for density limits, which is the number of alcohol establishments in a physical area. Density limits work from large urban centers to rural South Africa. He acknowledged that basing licenses on density limits is not part of Alaska's current alcohol law, which does not significantly change the bill. One amendment the committee passed provides a valuable locally-initiated release valve. He

offered his view that the committee improves the public policy in SB 9.

CHAIR REINBOLD asked if he was referring to Amendment [3] B.15.

SENATOR KIEHL answered that he did not recall the number of the amendment.

[2:46:37 PM](#)

SENATOR HUGHES said she was unsure if Mayor Ledford was aware that the bill was amended beyond restaurant licenses to all types of licenses.

[2:46:54 PM](#)

SENATOR SHOWER moved to report SB 9, Version B, as amended, from committee with individual recommendations and attached fiscal note(s). There being no objection CSSB 9(JUD) was reported from the Senate Judiciary Standing Committee.

[2:47:27 PM](#)

At ease

SB 15-OPEN MEETINGS ACT; PENALTY

[2:51:16 PM](#)

CHAIR REINBOLD reconvened the meeting and announced the consideration of SB 15, SENATE BILL NO. 15, "An Act relating to the Open Meetings Act; and establishing a civil penalty for violations of the open meeting requirements by members of governmental bodies."

[CS FOR SENATE BILL NO. 15(CRA) was before the committee. Public testimony was opened and closed on 3/31/21.]

[2:51:46 PM](#)

CHAIR REINBOLD stated her intention to hold the bill in committee.

[2:52:20 PM](#)

MELODIE WILTERDINK, Staff, Senator Costello, Alaska State Legislature, Juneau, Alaska, stated that SB 15 intends to strengthen the Open Meetings Act by adding civil penalties for those officials who hold meetings that are not open to the public.

[2:53:32 PM](#)

SENATOR HUGHES moved to adopt Amendment [2, labeled as Amendment 3, work order 32-LS0176\G.6]:

32-LS0176\G.6
Bannister
4/1/21

AMENDMENT [2]

OFFERED IN THE SENATE
TO: CSSB 15 (CRA)

BY SENATOR HUGHES

Page 1, line 2, following "by":
Insert "**certain elected**"

Page 1, line 3:
Delete "**and the attorney general**"

Page 1, line 8:
Delete ", unless the person is a member of the
commission"

Page 2, lines 1 - 14:
Delete all material.

Renumber the following bill sections accordingly.

Page 2, lines 16 - 17:
Delete "who is an elected or appointed public
official and"
Insert "that is made up of elected public
officials"

Page 2, lines 19 - 23:
Delete ", except that if a member of the Alaska
Public Offices Commission is alleged to have violated
this subsection, the attorney general shall enforce
this subsection under AS 44.23.020(1). In this
subsection, "governmental body" does not include a
community council established by a municipality"
Insert ". In this subsection,
(1) "elected public official" means a
person who has been elected to a governmental body at
a regular or special election held by a municipality,
school district, or regional educational attendance
area;

(2) "knowingly" has the meaning given in AS 11.81.900(a) "

Page 2, lines 26 - 27:

Delete "AS 44.23.020(l), added by sec. 2 of this Act, AS 44.62.310(h)(4) and (5), added by sec. 3 of this Act,"

Page 2, line 28:

Delete "sec. 4"

Insert "sec. 2"

CHAIR REINBOLD objected for discussion purposes.

SENATOR HUGHES explained that Amendment [2] would clarify that SB 15 applies to elected officials but not to members of boards and commissions or non-elected task force or subcommittee members.

[2:54:17 PM](#)

SENATOR MYERS related his understanding that it would not apply to the executive branch.

SENATOR HUGHES said that is correct. She expressed concern about the size of the fiscal note and the number of people impacted since people may be unwilling to volunteer to serve. She stated that boards and commissions typically meet much less often than municipal government such as community councils and assemblies. Instead, the bill narrowly focuses on the elected bodies that pass ordinances for local municipalities.

SENATOR KIEHL asked if a planning commission determining Alaskans' rights to develop private property would be exempt and not be subject to penalties if those decisions were made behind closed doors. Further, the bill would not apply to licensing boards that determine people's ability to acquire a professional license.

SENATOR HUGHES answered yes. She said planning commissions and licensing boards typically do not have a history of complaints.

SENATOR KIEHL recalled issues with planning commissions. He asked whether this would apply to the Alaska Oil and Gas Association (AOGA) or the Regulatory Commission of Alaska even though their issues pertain to major businesses.

SENATOR HUGHES responded that SB 15 relates to elected officials. The intent is to limit the focus on the areas with the most complaints.

2:56:46 PM

SENATOR HUGHES added that if SB 15 works well, a bill could be introduced to expand the penalty provisions to include other officials. However, that could affect thousands of individuals so the fiscal impact would be much greater.

CHAIR REINBOLD said Senator Kiehl has a valid point. She expressed concern that violations could occur on boards and commissions. She offered to work with Senator Kiehl in the future to address those concerns.

SENATOR SHOWER asked for the sponsor's perspective on the intent of the bill and the possibility of expanding the penalty provisions at some future date to address Senator Kiehl's concerns.

MS. WILTERDINK responded that the sponsor wanted to include elected officials. The sponsor did not want to discourage people from volunteering to serve on board and commissions because they may be subject at hefty fines. She acknowledged that Senator Kiehl raised important considerations.

2:59:08 PM

SENATOR SHOWER asked if anyone had any ideas how to bridge the concerns.

CHAIR REINBOLD suggested the language could read "may" instead of "shall." However, she did not believe that change would address the fiscal impact.

CHAIR REINBOLD removed her objection.

2:59:53 PM

SENATOR KIEHL acknowledged that the state and municipalities ask much from those who serve as volunteers on boards and commissions. This raises a constitutional issue regarding equal protection. He characterized the Open Meetings Act as good policy. Alaska should be able to view governmental debate and actions taken. He said he does not want to hold up the bill. He said he would not object to Amendment [2].

There being no further objection, Amendment [2] was adopted.

3:00:45 PM

SENATOR HUGHES moved to adopt Amendment [3] [labeled as Amendment 2, work order 32-LS-0176\G.5]:

32-LS0176\G.5
Bannister
4/1/21

AMENDMENT [3]

OFFERED IN THE SENATE
TO: CSSB 15(CRA)

BY SENATOR HUGHES

Page 1, line 1:

Delete "**civil penalty**"

Insert "**warning and civil and criminal penalties**"

Page 1, line 10, following "heard":

Insert ", except that, if the alleged violation would be the person's third violation, the commission shall refer the matter to the attorney general for criminal proceedings against the respondent under AS 44.62.310(i) "

Page 1, line 12, following "shall":

Insert ", if the violation is the respondent's first violation, give the respondent a warning under AS 44.62.310(i) or, if the violation is the respondent's second violation,"

Page 2, line 4, following "heard":

Insert ", except that, if the alleged violation would be the member's third violation, the attorney general shall institute criminal proceedings against the respondent under AS 44.62.310(i) "

Page 2, line 6, following "shall":

Insert ", if the violation is the respondent's first violation, give the respondent a warning under AS 44.62.310(i) or, if the violation is the respondent's second violation,"

Page 2, line 18:

Delete "liable to the state for a civil penalty not to exceed \$1,000"

Insert "subject to a warning if the violation is the member's first violation, liable to the state for

a civil penalty not to exceed \$1,000 if the violation is the member's second violation, or guilty of a class B misdemeanor if the violation is the member's third violation. The Alaska Public Offices Commission shall advise a member in the warning that a second violation is subject to a civil penalty not to exceed \$1,000 and a third violation is a class B misdemeanor"

CHAIR REINBOLD objected for discussion purposes.

3:00:53 PM

SENATOR HUGHES explained that Amendment [3] would add three tiers to the penalty provisions for Open Meetings Act violations. The first offense would result in a warning, the second violation would impose a \$1,000 fine, and the third violation would impose a class B misdemeanor.

3:01:15 PM

SENATOR MYERS asked for the penalties for a class B misdemeanor.

SENATOR HUGHES answered that a class B misdemeanor establishes penalties of up to 90 days in jail and \$2,000 in fines.

CHAIR REINBOLD removed her objection.

3:01:41 PM

SENATOR KIEHL objected. He expressed concern that establishing criminal penalties for inherently civil matters is excessive. He expressed concern about local taxpayers bearing the brunt of criminal charges filed against city employees. The legislature's fiscal notes project costs to the state but the legislature does not see the projected impacts on small municipalities and cities. He stated that larger cities and municipalities have full-time staff to represent their employees, but smaller ones pay hourly attorney fees.

3:03:09 PM

SENATOR SHOWER said he agrees that this will result in additional costs to taxpayers. However, the total cost is not limited to financial costs but the cost to citizens for repeated violations by elected officials that impact ethical governance. He emphasized the importance of having effective enforcement policies in place.

CHAIR REINBOLD offered her view that the public was treated poorly by the Municipality of Anchorage during the pandemic. She offered her support for Amendment [3].

3:04:56 PM

MS. WILTERDINK said the sponsor supports Amendment [3].

3:05:08 PM

SENATOR HUGHES spoke in support of the tiered approach to violations. She said she believes a class B misdemeanor is appropriate for the third offense.

SENATOR KIEHL maintained his objection.

3:05:41 PM

A roll call vote was taken. Senators Myers, Hughes, Shower, and Reinbold voted in favor of Amendment 2 and Senator Kiehl voted against it. Therefore, Amendment 2 was adopted by a 4:1 vote.

3:06:30 PM

SENATOR KIEHL restated his motion to adopt Amendment 1, [work order 32-LS 0176\G.3 which was set aside on 3/31/21].

32-LS0176\G.3
Bannister
3/25/21

AMENDMENT 1

OFFERED IN THE SENATE
TO: CSSB 15(CRA)

Page 1, line 3, following "Commission":
Insert ", the Select Committee on Legislative
Ethics,"

Page 1, following line 14:
Insert a new bill section to read:
"* Sec. 2. AS 24.60.037 is repealed and reenacted
to read:

Sec. 24.60.037. Open meetings violations. If the committee receives a complaint against a person for a violation described in AS 44.62.310(i), the committee shall give the respondent due notice and an opportunity to be heard. If, at the conclusion of the hearing, the committee determines that the respondent engaged in the alleged violation, the committee shall assess a civil penalty under AS 44.62.310(i). The determination of the committee under this section may be appealed to the superior court. The committee

shall, by regulation, establish procedures to implement this section, including procedures for investigating and holding hearings on complaints."

Renumber the following bill sections accordingly.

Page 2, following line 10:

Insert a new bill section to read:

"* **Sec. 4.** AS 44.62.310(h)(3) is amended to read:

(3) "public entity" means an entity of the state or of a political subdivision of the state including an agency, a board or commission, the University of Alaska, a public authority or corporation, a body of the legislative branch of state government, a municipality, a school district, and other governmental units of the state or a political subdivision of the state; "public entity" [IT] does not include the court system [OR THE LEGISLATIVE BRANCH OF STATE GOVERNMENT]."

Renumber the following bill sections accordingly.

Page 2, following line 11:

Insert a new paragraph to read:

"(4) "body of the legislative branch of state government" means

- (A) the senate;
- (B) the house of representatives;
- (C) the senate and the house of representatives meeting in joint session;
- (D) a committee of the legislature, other than the Committee on Committees, but including a standing committee, special committee, joint committee, conference or free conference committee, committee of the whole, and permanent interim committee;
- (E) a legislative commission, task force, or other group established by statute or resolution; or
- (F) a caucus of members of one or more of the bodies set out in (A) - (E) of this paragraph;"

Renumber the following paragraphs accordingly.

Page 2, lines 13 - 14:

Delete "has the meaning given in AS 39.50.200 but does not include a judicial officer"

Insert "means

(A) a person included in the definition of "public official" in AS 39.50.200, except a judicial officer; and

(B) a member of the legislature;"

Page 2, line 15:

Delete "a new subsection"

Insert "new subsections"

Page 2, line 17, following "body":

Insert ", except a community council established by a municipality,"

Page 2, line 20, following "a":

Insert "(1)"

Page 2, line 22, following "AS 44.23.020(1)":

Insert ";

(2) member of a body of the legislative branch of state government is alleged to have violated this subsection, the Select Committee on Legislative Ethics established under AS 24.60.130 shall enforce this subsection under AS 24.60.037.

(j) In the case of an alleged violation under (i) of this section by a member of a body of the legislative branch of state government, if there is a conflict between (i) of this section and the uniform rules of the legislature, the uniform rules govern"

Page 2, lines 22 - 23:

Delete "In this subsection, "governmental body" does not include a community council established by a municipality."

Page 2, line 26, following "Act,":

Insert "AS 24.60.037, as repealed and reenacted by sec. 2 of this Act,"

Page 2, line 27:

Delete "sec. 2 of this Act, AS 44.62.310(h)(4) and (5), added by sec. 3 of this Act,"

Insert "sec. 3 of this Act, AS 44.62.310(h)(3), as amended by sec. 4 of this Act, AS 44.62.310(h)(4) - (6), added by sec. 5"

Page 2, line 28:

Delete "AS 44.62.310(i), added by sec. 4"

Insert "AS 44.62.310(i) and (j), added by sec. 6"

CHAIR REINBOLD objected for discussion purposes.

3:06:51 PM

SENATOR KIEHL explained that Amendment 1 would make the legislature subject to the Open Meetings Act. It would also require a concurrent resolution to change the Uniform Rules. He explained that his staff prepared a history of the instances when the legislature exempted itself from what is required of officials in the Open Meetings Act. He summarized the history by stating that a number of legislators found it difficult to hold all of their deliberations in the full public view and on the record. However, it is good public policy and is what the law requires of the executive branch and SB 15 would require of municipalities.

3:08:13 PM

SENATOR MYERS related his understanding that the genesis of SB 15 was due to the Municipality of Anchorage closing its meetings to the public. He asked if SB 15 passed, if it would force the legislature to open the Capitol to the public, which has been closed due to the pandemic.

SENATOR KIEHL answered that the Open Meetings Act provides for public participation by teleconference. Amendment 1 would require legislators to hold their discussions on the record.

CHAIR REINBOLD express concern that some people might not have internet access. She stated that she would like the Capitol reopened to the public.

3:09:13 PM

SENATOR MYERS said he understands the sponsor's concern. He suggested that if the sponsor would like all activities of legislators open, the committee should consider moving the Capitol.

3:10:18 PM

CHAIR REINBOLD pointed out that this committee is the only committee of referral for SB 15. She expressed concern that many legislators cannot go home to their families, so a dinner out could violate the Open Meetings Act. Legislators often reside in Juneau for months. She expressed concern about the unintended consequences of Amendment 1. She suggested the bill should have more than one committee of referral to address the issues.

[3:11:27 PM](#)

SENATOR SHOWER asked if the legislature is the only body that Amendment 1 would apply to that must meet for three to four months.

[3:12:13 PM](#)

SENATOR MYERS pointed out that the judiciary is exempt from the Open Meetings Act.

[3:12:38 PM](#)

SENATOR SHOWER acknowledged that the committee should consider that legislators are in Juneau during the legislative session. Many legislators go out to dinner in small groups and engage in other activities.

[3:13:37 PM](#)

SENATOR HUGHES agreed that transparency is important. However, the legislature operates outside the Open Meetings Act, under the Uniform Rules and the Legislative Ethics Act. Legislators also receive extensive training on ethics, she said. Currently, the legislature struggles to meet the 90-day and the 120-day session limit. Amendment 1 could drastically increase committee hours when the legislature is intended to be a citizen legislature. While she said she understands the desire for transparency, she cannot support Amendment 1.

[3:15:35 PM](#)

SENATOR KIEHL emphasized there could be some misconceptions about the Open Meetings Act. He related his personal experience serving on the Juneau Assembly. He said the Open Meetings Act did not prohibit him from attending dinners, social engagements and ribbon cuttings with other assembly members. Still, he could not count votes or discuss municipal issues at these events. He characterized the Uniform Rules and Legislative Ethics Act combined as "fairly weak tea" compared to the Open Meetings Act provisions. People and the press will observe legislators wherever they meet, whether they are in a small city or a large one. He agreed that the legislature must complete its work timely and that working under the Open Meetings Act would be less efficient. However, it will provide the additional transparency and accountability that SB 15 requires of other elected officials.

[3:18:17 PM](#)

SENATOR SHOWER offered his view that the legislature operates differently and Amendment 1 would make significant changes. He

suggested that the rules the legislature operates under would be better considered in a separate bill.

3:19:35 PM

CHAIR REINBOLD expressed her frustration that the legislature operates under the Uniform Rules and Legislative Ethics Act so adding the Open Meetings Act adds an unnecessary layer. She said she tends to lean towards voting no on Amendment 1 but she could support it if the Capitol was moved.

CHAIR REINBOLD maintained her objection.

3:20:57 PM

A roll call vote was taken. Senator Kiehl voted in favor of Amendment 1 and Senators Myers, Hughes, Shower, and Chair Reinbold voted against it. Therefore, Amendment 1 failed by a 1:4 vote.

CHAIR REINBOLD held SB 15 in committee.

3:22:21 PM

There being no further business to come before the committee, Chair Reinbold adjourned the Senate Judiciary Standing Committee meeting at 3:22 p.m.